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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. **2010-79**

12 **CINDRA BIGLEY,**  
13 **a.k.a. CINDRA LYNN BIGLEY,**  
14 **a.k.a. CINDRA L. BIGLEY**  
**30 Schooner Court**  
**Richmond, CA 94804**

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Statement of Issues solely  
20 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing  
21 ("Board"), Department of Consumer Affairs.

22 2. On or about July 3, 2008, the Board received an application for a registered nurse  
23 license (licensure by endorsement) from Cindra Bigley, also known as Cindra Lynn Bigley and  
24 Cindra L. Bigley ("Respondent"). On or about July 3, 2008, Respondent certified under penalty  
25 of perjury that all information provided in connection with the application was true, correct, and  
26 complete. The Board denied the application on March 20, 2009.

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## STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

....

(3)(A) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made . . .

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof . . .

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or

1 in a manner dangerous or injurious to himself or herself, any other person, or the  
2 public or to the extent that such use impairs his or her ability to conduct with safety to  
the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription,  
consumption, or self administration of any of the substances described in subdivisions  
4 (a) and (b) of this section, or the possession of, or falsification of a record pertaining  
to, the substances described in subdivision (a) of this section, in which event the  
5 record of the conviction is conclusive evidence thereof . . .

#### 6 **FIRST CAUSE FOR DENIAL**

##### 7 **(Criminal Conviction)**

8 7. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
9 subdivision (f), 480, subdivision (a)(1), and 480, subdivision (a)(3)(A), in that on or about  
10 February 27, 2009, in the criminal proceeding titled *State of Georgia v. Cindra L. Bigley* (State  
11 Court, Cobb County, 2009, Case No. 08M4932), Respondent pled guilty to violating O.C.G.A.  
12 section 40-6-390 (reckless driving, a misdemeanor)<sup>1</sup>, a crime substantially related to the  
13 qualifications, functions, and duties of a registered nurse. The circumstances of the crime are set  
14 forth in paragraph 8 below.

#### 15 **SECOND CAUSE FOR DENIAL**

##### 16 **(Use of Alcoholic Beverages to an Extent or in a Manner** 17 **Dangerous or Injurious to Oneself and Others)**

18 8. Respondent's application is subject to denial pursuant to Code sections 2761,  
19 subdivision (a), 2762, subdivision (b), and 480, subdivision (a)(3), in that she used or consumed  
20 alcoholic beverages to an extent or in a manner dangerous or injurious to herself and others, as  
21 follows: On April 7, 2008, Officer Hutson with the Acworth Police Department (Acworth,  
22 Georgia) observed a vehicle go through a stop sign without coming to a complete stop.  
23 Respondent was driving the vehicle. After performing a traffic stop on the vehicle, the officer  
24 approached Respondent's window and smelled alcohol on Respondent's breath. Respondent had  
25 watery and glazed eyes and her speech was slurred. Another officer, Officer Collisions, arrived  
26

27 <sup>1</sup> Respondent was originally charged with driving under the influence of alcohol, in violation of  
28 O.C.G.A. section 40-6-391, subdivision (a)(1), but the charge was reduced to reckless driving in view of  
Respondent's plea, as set forth above.

1 on scene and performed field sobriety evaluations of Respondent. Respondent admitted to both  
2 officers that she drank three or four beers and was on her way to McDonald's as she had not  
3 eaten. Respondent was placed under arrest for driving under the influence of alcohol and was  
4 transported to the Acworth City jail. Upon arrival at the jail, Respondent was yelling and  
5 screaming at various officers, including officer Hutson. Respondent told officer Hutson, "I hope  
6 you get cancer and die" and "you better hope you never get wounded and come to Kennestone  
7 hospital for treatment".

8 **THIRD CAUSE FOR DENIAL**

9 **(Conviction of a Criminal Offense Involving**  
10 **Consumption of Alcoholic Beverages)**

11 9. Respondent's application is subject to denial pursuant to Code sections 2761,  
12 subdivision (a), 2762, subdivision (c), and 480, subdivision (a)(3)(A), in that on or about  
13 February 27, 2009, Respondent was convicted of a criminal offense involving the consumption of  
14 alcoholic beverages, as set forth in paragraph 7 above.

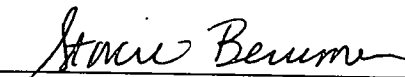
15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Denying the application of Cindra Bigley, also known as Cindra Lynn Bigley and  
19 Cindra L. Bigley, for a registered nurse license;

20 2. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 8/18/09

  
23 LOUISE R. BAILEY, M.Ed., R.N.  
24 Interim Executive Officer  
25 Board of Registered Nursing  
26 State of California  
27 Complainant

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